

Serial No.: 09/741,406

Attorney's Docket No.:10559/295001/P9306

REMARKS

In view of the following remarks, reconsideration and allowance are respectfully requested.

Claims 1-3, 5-12, 14-26 and 28 are were pending, with Claims 1, 10 and 19 being independent claims. Dependent Claims 30-39 are currently added. Therefore, Claims 1-3, 5-12, 14-26 and 28, 30-39 are pending, with Claims 1, 10 and 19 being independent claims.

Claims 1-3, 5-12, 14-26 and 28 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gilbrech et al. in view of applicant's admitted prior art. This contention is respectfully traversed.

Claim 1

Claim 1 is patentable at least because Gilbrech fails to disclose each and every feature of the claim. The VPNUs in Gilbrech have fixed (static) IP addresses or a mechanism to connect to other VPNUs. On page 4 of the current office action, the Examiner agrees with the Applicants' assertion that Gilbrech discloses fixed IP addresses. Therefore, Gilbrech fails to disclose each and every feature of the claim as recited in Claim 1.

The office action alleges that the instant disclosure admits prior art that, when combined with Gilbrech, remedies the deficiencies Gilbrech's teachings to render Claim 1 obvious (disclosure: page 2: lines 5-10). However, the instant disclosure does not admit the prior art as alleged in the office action.

For instance, the cited portion of the disclosure does not disclose the combination of an agent component with a dynamically-assigned address and a server component with a

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persistent address. For example, the instant disclosure recites:

... the broadband connection may be provided by an Internet Service Provider (ISP) that prevents or hinders devices on the Internet from connecting to the private network. The ISP may dynamically assign an IP address to a contact point within the private network, such as the gateway device, rather than allocate persistent IP addresses to the devices within the private network. Without a persistent IP address being assigned to the gateway device, devices on the Internet may have difficulty locating, and therefore accessing, the private network at the proper Internet IP address. (Instant Disclosure: page 2, lines 4-14).

However, Claim 1 recites an "agent component is configured for a dynamically-assigned address," and "the server is configured for a persistent address." Because Gilbrech and the portion of the disclosure cited in the office action fail to teach or suggest the combination of the agent and the server components as recited in the claim, Claim 1 is patentable.

Claim 1 is also patentable because a rejection under 35 U.S.C. 103(a) cannot be based on hindsight (MPEP 2145; *In re McLaughlin* 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971)). As explained in the response to the previous office action, Claim 1 recites a dynamically-assigned address for the agent component and a persistent address for the server. Essentially, one skilled in that art would know that in the environment for the home-to-remote client and remote client-to-home connections, an outwardbound connection is easy to establish from the home to the Internet to the remote client, but establishing a connection

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in the opposite direction (from remote client to home) poses difficulties. The reason for such a constraint in the opposite direction is that an ISP assigns a dynamic IP address to the home contact point device (e.g., a Residential Gateway) (Disclosure: page 2, lines 4-14). Without a persistent address, remote clients have difficulty locating, and therefore, accessing the home contact point. In Claim 1, the agent establishes a persistent connection with the server and the agent has a dynamically-assigned address. The connection between the agent and the server is persistent. When a remote client wants to access the private network, the remote client doesn't connect to the agent directly. Instead, the remote client connects with the server, which has a permanent address and already has an established connection with the agent component. The agent component has a connection to the private network (or may be implemented within the private network as in Claim 28). These features of Claim 1 are not disclosed in page 2, lines 4-10 of the disclosure and are not taught or suggested by Gilbrech. Because it is improper to make a rejection based on hindsight, Claim 1 is patentable.

Therefore, Claim 1 is patentable at least because the cited prior art fails to teach or suggest all of the features of the claim, and because Claim 1 cannot be rejected based on hindsight from knowledge gleaned on the applicants' disclosure. Allowance of Claim 1 is respectfully requested.

Claims 10 and 19

The amended independent Claims 10 and 19 include features that are similar to Claim 1. Therefore, Claims 10 and 19 are patentable for at least the same reasons above with respect to Claim 1. Allowance of Claims 10 and 19 are respectfully requested.

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Claims 2-3, 5-9, 11-12, 14-18, 20-26 and 28

Claims 2-3, 5-9, 11-12, 14-18, 20-26 and 28 are all patentable at least for depending on an allowable base claim (base Claim 1 for Claims 2-3, 5-9; base Claim 10 for Claims 11-12, 14-18; base Claim 19 for Claims 20-26 and 28). These dependent claims are also patentable for reciting patentable subject matter in their own right.

Claims 30-39

Claims 30-39 are newly added claims. These claims do not add new matter and include subject matter disclosed within the patent application (see Instant Disclosure: Fig. 1, page 2, lines 1-19; page 4, lines 4-12; page 6, lines 1-6; page 7, lines 10-16; Fig. 2, page 8, lines 5-9, 14-24; page 9, lines 1-4; Fig. 4, page 9, lines 9-24; page 10, lines 1-10, 15-22).

Conclusion

In view of the amendments and remarks herein, the Applicants believe that Claims 1-3, 5-12, 14-26, 28, and 30-39 are in condition for allowance and ask that these pending claims be allowed. The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, Applicants' arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

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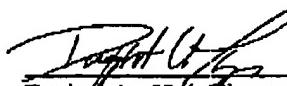
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Please apply the charge of \$300.00 for six (6) additional dependent claims and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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